

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

Case No. 3:23-cv-00538-ART-CLB

ORDER

v.

ELY STATE PRISON, et al.,

Defendants

On November 6, 2023, Plaintiff Tyrone Noel Nunn, an inmate in the custody of the Nevada Department of Corrections, submitted an “Ex Parte Motion” that seeks the appointment of counsel so he can pursue claims about constitutional violations that allegedly happened while he was incarcerated at Ely State Prison. (ECF No. 1-1). But Plaintiff has not filed a complaint. Nor has he either paid the full \$402 filing fee or applied to proceed *in forma pauperis* in this action.

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. Loc. R. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

Additionally, the United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a

1 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
2 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
3 Loc. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation
4 to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28
5 U.S.C. § 1915(b).

6 For the foregoing reasons, it is ordered that **on or before Monday, January 15,**
7 **2024**, Plaintiff will either pay the full \$402 filing fee or file a fully complete application to
8 proceed *in forma pauperis* with all three required documents: (1) a completed application
9 with the inmate's two signatures on page 3, (2) a completed financial certificate that is
10 signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's
11 trust fund account statement for the previous six-month period.

12 It is further ordered that, **on or before January 15, 2024**, Plaintiff will submit a
13 complaint to this Court.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
16 refile the case with the Court, under a new case number, when he can file a complaint
17 and either pay the required filing fee or file an application to proceed *in forma pauperis*.

18 It is further ordered that the Clerk of the Court will send Plaintiff Tyrone Noel Nunn
19 the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same
20 and the approved form application to proceed *in forma pauperis* for an inmate and
21 instructions for the same.

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23 DATED this 16th day of November 2023.

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26 UNITED STATES MAGISTRATE JUDGE
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